

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

MAY 23, 1997

(Published May 31, 1997,
in Finance and Commerce)

Council Chamber
Minneapolis, Minnesota
May 23, 1997 – 9:30 a.m.
President Cherryhomes in the Chair.
Present – Council Members Campbell,
Biernat, Niland, Minn, Mead, Scott, Schulstad,
Herron, Rainville, Thurber, President Cherryhomes.
Absent – McDonald, Dziedzic.
Campbell moved approval of the minutes of the
regular meeting of May 9, 1997. Seconded.
Adopted upon a voice vote.
Campbell moved referral of petitions and
communications and reports of the City officers to
proper Council committees and departments.
Seconded.
Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

CLAIMS:

CITY CLERK (262745)
Arora, Rajinder; Averbeck, Jim; Burrock,
Sara; Carlson, Violet; Chea, Wokie & Atty
Autumn L Anderson; Clague, Thomas E; Clay,
Robert Jr; Dorwart, Philip; Edblom, Bradford
James; English, Mark Alan; Franchise Food
System; Griffith, Maurice; Guelcher, James A;
Hinz, Mary R; Honaker, Craig W; Jackson,
Jermaine R; Johnson, Hartley/sub State Farm Ins
Co; Krekelberg, Angela B; Kretzman, Joey L;
Lebens, Elizabeth A; Lehman, Lori Ann;
Lesmeister, Jay; McGoldrick, Kelly; Mitzelfelt,
Erik; Mosher, Sally Ann & Randy Guise;
National Tour Association; Northfelt, Lynn K;
Nye, Steven E; Peters, Marvin; Potts, Darlene M;

Prokes, Philip; Radman, Jill A; Rittler, Joellen;
Roble, Ibrahim; Sanders, Anatasia; Schlesinger,
Jeffrey L & Stephen R; Schmitt, Thomas L;
Seichrist, Phyllis; Terwilliger, Marilyn J; Thomas,
Rebecca; Thomas, Susan C; Tolar, Jakub;
Turnipseed, Nina M; Vander Zanden-Marston,
Sarah; Whalen, Peter Thomas; Williams, Todd D;
Wilson, Laura; Yurkew, Anthony.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (262746)

Take Credit! Mortgage Credit Certificate
Prog: Auth Mpls/St Paul Hsg Finance Bd to act
as authority for support of this prog.

Augustana Chapel View Homes (1020 E 17th
St, 1509 10th Av S & 1007 E 14th St): Final
apprvl of up to \$10,100,000 of Multifamily Hsg
Development & Health Care Facilities Bonds.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET:

COMMUNITY DEVELOPMENT AGENCY,
MINNEAPOLIS (MCDA) (262747)

Nursing Home Rev Bond Financing: Status of
PILOT Prog & issuance of bond financing.

249 Demolitions (Hazardous/Boarded Bldg
Prog): Update on City/NRP/Neighborhood
Memorandum of Understanding.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

NEIGHBORHOOD REVITALIZATION
PROGRAM (NRP) (262748)

Hale/Page/Diamond Lake Neighborhood:
Mpls Public Schools “second 7.5 %” NRP funds for
Hale School facility.

Longfellow Neighborhood: Mpls Public
Schools “second 7.5 %” NRP funds for Howe
School playground.

Linden Hills Neighborhood: Mpls Public Schools "second 7.5%" NRP funds for Audubon School playground improves.

Kenny Neighborhood: Mpls Public Schools "second 7.5%" NRP funds for Kenny School playground.

Phillips Neighborhood: Hennepin Cty "second 7.5%" NRP funds to oversee implementation of Phillips Lifespan goals.

**INTERGOVERNMENTAL RELATIONS and
WAYS & MEANS/BUDGET (See Rep):**

COORDINATOR (262749)

Convention Center Completion: Submit proposal to State & supporting letters.

**PUBLIC SAFETY AND REGULATORY
SERVICES (See Rep):**

ATTORNEY (262750)

Gar-Dar, Inc, dba Mirage: Uphold Council action of 4/11/97 denying renewal of lic.

HEALTH AND FAMILY SUPPORT
SERVICES (262751)

School Based Clinics: Agrmt w/Hennepin Cty.

INSPECTIONS DEPARTMENT (262752)

Raze Bldgs: Apprv demo of 1108 27th Av N,
2426 Dupont Av N & 414 23rd Av N.

LICENSES AND CONSUMER SERVICES
(262753)

Lics: Appls.

MAYOR (262754)

Mpls Advisory Cmte on People w/Disabilities:
Apprv appt.

POLICE DEPARTMENT (262755)

Violence Against Women Act (VAWA):
Submit grant appl.

Pursuit Driver's Training: Contr w/Dakota
Cty Technical College.

CITIZENS ENVIRONMENTAL ADVISORY
COMMITTEE (262756)

Citizens Environmental Advisory Cmte:
Apprv appts.

**PUBLIC SAFETY AND REGULATORY
SERVICES and TRANSPORTATION &
PUBLIC WORKS and WAYS & MEANS/
BUDGET (See Rep):**

PUBLIC WORKS AND ENGINEERING
(262760)

Bids: OP #4604, accept bid of Sheehy
Construction Co.

**PUBLIC SAFETY AND REGULATORY
SERVICES and WAYS & MEANS/
BUDGET (See Rep):
CIVILIAN POLICE REVIEW AUTHORITY
(262757)**

Leased Office Space: Negotiate lease terms
at Grain Exchange.

FIRE DEPARTMENT (262758)

Bids: OP #3645, accept low bid of Hennepin
Cty Medical Center for emergency medical
services training.

POLICE DEPARTMENT (262759)

Police Serves to Public Housing Communities:
Contr w/MPHA.

**TAXES (BOARD OF EQUALIZATION
(See Rep):**

CITY CLERK (262760.1)

1997 Mpls Bd of Equalization: Summary.

**TRANSPORTATION AND PUBLIC WORKS:
PLANNING COMMISSION/DEPARTMENT
(262761)**

Location and Design Review: West Metro
Education Program/Municipal Ramp.

PUBLIC WORKS AND ENGINEERING
(262762)

Water Quality Education Efforts: Report on
efforts of participants in neighborhood watershed
proj.

Transtop Minnesota Inc: Report on Franchise
Fee recvd for first qtr 1997.

Transtop Minnesota Inc: 1996 Financial
Report.

CEKA TECHNOLOGIES INC (262763)

Data Warehousing: Ltr offering assistance re
City's Data Warehousing efforts.

**TRANSPORTATION AND PUBLIC WORKS
(See Rep):
PUBLIC WORKS AND ENGINEERING
(262764)**

Reconstruction of E 50th St (Nicollet Av S to
E Minnehaha Pkwy): Apprv layout for Phase I,
dated 4/17/97; and Direct City Engineer to submit
formal request for variance from State Aid Rules.

Reconstruction of University Av (27th Av NE
& 35th Av NE): Apprv MnDOT's construction
plan involving replacement of University Av NE
Bridge over Canadian Pacific RR and

reconstruction of east frontage road; and Execute Cooperative Construction Agrmt w/MnDOT.

Irving Avenue Dump Superfund Site: Execute Supplemental Agrmt w/Barr Engineering to complete investigation in monitoring site.

Concrete Plant Public/Private Options: Status Report; Apprv October 1996 Paving Products Study recommendations; Direct staff to continue existing operations at plant w/rep back by October 1, 1997; and Direct staff to pursue concrete plant leasing option & abandon option to sell excess capacity at plant.

TRANSPORTATION AND PUBLIC WORKS

and WAYS&MEANS/BUDGET

(See Rep):

PUBLIC WORKS AND ENGINEERING (262765)

Alley Realignment and Construction (Chowen & Drew Avs S from 49th to 50th Sts W): Order City Engineer to proceed w/work; adopt special assessments; and estab capital approp for assessed portion of alley costs.

Outdoor Sign on City Property (1301 Grant St): Execute five-yr lease agrmt w/Universal Outdoor Inc.

Overhead Signals (Portland Av S at Grant St & at E 15th St): Execute agrmt w/Henn Cty.

Sumner Olson Wetland Restoration: Auth apply for Twin Cities Water Quality Initiative Grant from Metropolitan Council and Wetland Replacement Grant from Minnesota Board of Soil and Water Resources.

PURCHASING (262766)

Bids: Accept

OP #4611, low bid of Visu-Sewer Clean and Seal for reconstruction of sanitary sewers;

OP #4613, low bids of C.S. McCrossan Construction & Mathews Drainage and Excavating for remediation of petroleum contaminated soils;

OP #4609, low bid of Layne Minnesota Company for lined shaft holes and core drilled excavations;

OP #4600, low bid of E.R. Berwald Roofing Co for new roof system at Fridley Softening Plant.

WAYS AND MEANS BUDGET:

OPERATIONS & REGULATORY SERVICES (262767)

Gtr Mpls Convention & Visitors Assn Quarterly Performance Rep.

WAYS AND MEANS BUDGET (See Rep):

ARTS COMMISSION (262768)

Neighborhood Arts New Presenters Prog: Advisory Panel funding recmds for community art progs & activities.

COORDINATOR (262769)

1997 Charitable Campaign: Apprv orgs eligible for participation & auth waiver for two orgs not eligible.

ESTIMATE AND TAXATION (262770)

1997 Capital Budget: Technical corrections to budget resls.

FINANCE DEPARTMENT (262771)

FISCOL System Upgrade: Auth commence implementation of ADVANTAGE 2.0/Client Server upgrade & incr contr w/American Management Systems for addnl assistance.

FIRE DEPARTMENT (262772)

Flood Relief: Auth apply to State for federal reimbursement funds for assistance provided by City.

GRANTS AND SPECIAL PROJECTS (262773)

Federal Grant Agrmts: FY1997 CDBG, HOME, ESG, HOPWA agrmts w/HUD, agrmt w/MN Hsg Finance Agency re HOPWA.

NEIGHBORHOOD SERVICES DEPARTMENT (262774)

Curfew/Truancy Ctr: Fund Avail Notice to Mpls Urban League providing federal funds for ctr operations.

MN Workforce Ctr System: Non-financial agrmt to continue Mpls participation.

Twin Cities RISE! Prog: Modify contr to allow fourteen residents from outside the Enterprise Community to continue in prog.

CDBG Pub Serv Projs: Modify existing contrs & Fund Avail Notices to redirect funds in support of welfare reform.

Dislocated Worker Prog: Modify Fund Avail Notice to provide funds in high need areas.

ZONING AND PLANNING (See Rep):

CITY CLERK/SPECIAL PERMITS (262775)

30th Av N, 704 (Pastor Charles Ford) waive full basement requirement; 39th Av N, 1415 (Craig E Murphy) waive full basement requirement; Garfield Av S, 2812 (Albert Feiler) exceed height of garage.

PLANNING COMMISSION/DEPARTMENT (262776)

Waiver: Garbiel Jabbour, dba West Photo:
Req waiver from E Hennepin Study Area
moratorium for 21 University Av NE.

Zoning Code Text Amendment: Ordn amend
Title 20, Chap 522 re home occupation businesses.

PLANNING COMMISSION:

PIONEER METAL FINISHING (262777)
Permsn to vacate 1st St N vic of 17th Av N.

MOTIONS (See Rep):

LICENSES AND CONSUMER SERVICES
(262777.1)

Hayden's Billiards: Info re suspension of all
lics issued to estab.

FILED:

CITY CLERK/SPECIAL PERMITS (262778)
1st Av S, 3050 (Suburban Lighting Inc) sign;
10th Av S, 3049 (Gary Alexander) move garage;
50th St W, 3022 (Loft Antiques) sidewalk sale;
Hennepin Av betw 3rd & 5th Sts (Randy Dewitz)
tents, tables, etal; Hennepin Av betw 4th & 5th Sts
(Randy Dewitz) tents, tables, etal; Lake St W, 310
(Robert Currie) sign; Nicollet Av S, 3205 (William
Bartruff) move house; Nicollet Island (Design
Group) horse & carriage; Nicollet Mall from 4th to
12th Sts (Downtown Council) Father's Day Car
Classic; Nicollet Mall betw 7th & 8th Sts
Canterbury Park) race horse; University Av NE,
2300 (Mario Pierzchalski) tents.

FINANCE DEPARTMENT (262779)
Schedule of Self-Supporting Revenue Bonds &
Schedule of General Obligation Bonded Debt for
5/30/97.

MAYOR (262780)
Zoning Code Revision: Reasons for not
signing Council action of 5/9/97 re service contr
w/Leonard, Street & Deinard.

MINNESOTA STATE OFFICES-Auditor
(262781)
Minneapolis Community Development Agency
State & Orpheum Theatres, December 31, 1996.

NORTHERN STATES POWER (NSP)
(262782)
Utilities: Auth place poles at various locations.

**REPORTS OF
STANDING COMMITTEES**

The COMMUNITY DEVELOPMENT
Committee submitted the following reports:

Comm Dev – Your Committee, having under
consideration the 1997 Single Family Housing
Program, and having conducted a public hearing
thereon, now recommends passage of the
accompanying resolution approving the Program
and authorizing the Minneapolis/Saint Paul
Housing Finance Board to act on behalf of the City
of Minneapolis to issue mortgage credit certificates
in connection with the Take Credit! Mortgage
Credit Certificate Program.

Your Committee further recommends
summary publication of the above-described
resolution.

Your Committee further recommends that this
action be transmitted to the Board of
Commissioners of the Minneapolis Community
Development Agency.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Resolution 97R-125, entitled "Giving final
approval to a Single Family Housing Program to be
financed by the issuance of Single Family
Mortgage Revenue Bonds and/or Mortgage Credit
Certificates", was passed May 23, 1997, by the
City Council and approved May 29, 1997, by the
Mayor. It gives final approval to the program and
the issuance of the bonds, and authorizes the
Minneapolis/Saint Paul Housing Board to act on
behalf of the City of Minneapolis to issue the
bonds. The full text of the resolution is available
for public inspection in the Office of the City
Clerk.

The following is the complete text of the
unpublished summarized resolution.

RESOLUTION 97R-125

By Mead and Niland

**Giving final approval to a Single Family
Housing Program to be financed by the issuance
of Single Family Mortgage Revenue Bonds and/
or Mortgage Credit Certificates.**

Whereas, pursuant to the Minnesota Municipal
Housing Act, Minnesota Statutes, Chapter 462C
(the "Housing Act"), the City of Minneapolis,
Minnesota (the "City") is authorized to adopt a
housing plan and carry out programs for the

financing of single family housing for persons of low and moderate income; and

Whereas, the City Council (the "City Council") of the City has prepared a Housing Plan, which Plan has been adopted pursuant to the Housing Act; and

Whereas, the Minneapolis/Saint Paul Housing Finance Board (the "Board"), a joint powers board organized under a Joint Powers Agreement (the "Joint Powers Agreement") by and between the Minneapolis Community Development Agency (the "Agency"), the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the "Authority") and the City and accepted by the City of Saint Paul, Minnesota ("Saint Paul"), and under the laws of the State of Minnesota, proposes to undertake a single family housing program in 1997 (the "Program") to be financed by the issuance of one or more series of revenue obligations and/or mortgage credit certificates ("MCCs") pursuant to Minnesota Statutes, Sections 469.001 to 469.047, Chapters 462A, 462C and 474A and Section 471.59 (collectively, the "Act"); and

Whereas, pursuant to the Act, the Board is authorized to issue bonds from time to time and to use the proceeds of its bonds to make or purchase mortgage loans or to purchase participations in mortgage loans from lending institutions and to issue MCCs in order to finance the construction and rehabilitation, and to facilitate the purchase and sale, of single family housing for eligible persons or families under the Act; and

Whereas, the Program will provide below market interest rate mortgage loan financing or income tax credits primarily to persons of low or moderate income purchasing single family homes to be used as their principal places of residence and located within the geographic limits of the City or Saint Paul; and

Whereas, the Act requires adoption of the Program after a public hearing held thereon following publication of notice in a newspaper of general circulation in the City and Saint Paul at least fifteen days in advance of the hearing; and

Whereas, the Community Development Committee of the City Council on May 12, 1997 conducted a public hearing on the Program after publication of notice as required by the Act; and

Whereas, the Program was submitted to the Metropolitan Council at or before the time of publication of notice of the public hearing on such Program, and the Metropolitan Council afforded an opportunity to present comments at the public hearing, all as required by the Act; and

Whereas, the Program provides for the issuance of single family mortgage revenue bonds or obligations in one or more series pursuant to the Act (the "Bonds") to make or purchase or cause to be purchased mortgage loans, or to purchase securities the proceeds of which would be used to purchase mortgage loans, and the issuance of MCCs to finance the acquisition, primarily by low and moderate income persons and families, of single family housing located within the geographic boundaries of the City or Saint Paul; and

Whereas, the aggregate amount of Bonds, or the total "non-issued bond amount" of MCCs issued in lieu of the Bonds under the Program will not exceed \$47,342,981.25; and

Whereas, the City's entire 1997 entitlement allocation, Saint Paul's remaining 1996 entitlement allocation carried forward for single family purposes, and Saint Paul's entire 1997 entitlement allocation may be used for the issuance of Bonds or MCCs; and

Whereas, it is proposed that the Program be approved and the Board be authorized to issue Bonds and MCCs pursuant to the Program and the Joint Powers Agreement; and

Whereas, it appears that the Program and the issuance of Bonds and/or MCCs by the Board or the Agency are in the best interests of the City;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. The Program is hereby approved, subject to final agreement by the Board and the purchasers of the Bonds, if any, and by the Board as issuer of the MCCs, as to the exact terms of the Program and the financing therefore and the MCCs. The officers of the City shall do all things and take all actions as may be necessary or appropriate to carry out the Program in accordance with the Act and any other applicable laws and regulations.

2. Be It Further Resolved that the issuance of the Bonds or of MCCs in lieu thereof to the Program is hereby finally approved; provided that the aggregate principal amount of Bonds, or the total "non-issued bond amount" of MCCs issued in lieu of Bonds, shall not exceed \$47,342,981.25. There is hereby allocated to the Bonds and/or MCCs the City's entire 1997 entitlement allocation under Minnesota Statutes, Chapter 474A, subject to reallocation as provided in the Program.

3. Be It Further Resolved that the Bonds may be issued in one or more series at the time or times and pursuant to terms determined by the Board, and be structured so as to take advantage of whatever means are available and are permitted by

law to enhance the security for, or marketability of, the Bonds, provided that any such financing structure must be approved by the Board. The MCCs may be issued at the time or times and pursuant to terms determined by the Board. All such determinations by the Board must comply with the applicable provisions of the Act and the Internal Revenue Code, of 1986, as amended, and regulations promulgated thereunder.

4. Be It Further Resolved that the Board is authorized to take all actions which may be necessary or desirable in connection with the issuance of the Bonds and the MCCs, acting on behalf of the City, and no further approval or consent of the City shall be required prior to the issuance of the Bonds or the MCCs by the Board, or prior to the taking of any action by the Board to undertake and implement the Program.

5. Be It Further Resolved that nothing in this Resolution or the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Program other than as specified and authorized by separate actions of the City and other than the revenues derived from the Program or otherwise granted to the City for such purpose. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenues and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Bonds or the interest thereon, or to enforce payment against any property of the City. The Bonds shall recite in substance that Bonds, including the interest thereon, are payable solely from the revenues and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation of indebtedness.

6. Be It Further Resolved that any one or more series of Bonds or the MCCs may be issued by the Agency in lieu of issuance by the Board, at the discretion of the Agency.

Adopted. Yeas, 11; Nays none.

Absent - McDonald, Dzieczic.

Passed May 23, 1997. J. Cherryhomes,
President of Council.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev- Your Committee, having under consideration a proposal to issue revenue bonds on behalf of Augustana Chapel View Homes, Inc to refinance and rehabilitate Park Center, a 231-unit elderly independent living facility at 1020 East 17th St and 1509 10th Av South, and Augustana Home, a 370-bed nursing home at 1007 East 14th St (the project), and the Council having given preliminary approval to issue said bonds on April 25, 1997, now recommends passage of the accompanying resolution giving final approval to issue up to \$10,100,000 of 501(c)(3) tax exempt, multifamily housing development and health care facilities bonds for the project. (Petn No 262746)

Your Committee further recommends summary publication of the above-described resolution.

Adopted. Yeas, 11; Nays none.

Absent - McDonald, Dzieczic.

Passed May 23, 1997.

Approved May 23, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Resolution 97R-126, entitled "Providing for the Issuance and Sale of Revenue Bonds Pursuant to Minnesota Statutes, Chapter 462C, as Amended, to Provide Funds for Combination Multifamily Housing Development and Health Care Facility on Behalf of Augustana Chapel View Homes, Inc."; authorizing the issuance thereof pursuant to Minnesota Statutes, Chapter 462C, was passed May 23, 1997, by the City Council and approved May 23, 1997, by the Mayor. It gives approval to issue up to \$10,100,000 of bonds, authorizes the execution of documents and bonds and provides that the bonds are not general obligation bonds. The full text of the resolution is available for public inspection in the Office of the City Clerk. (Published May 28, 1997).

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 97R-126

By Niland

Providing for the issuance and sale of revenue bonds pursuant to Minnesota Statutes, Chapter 462C, as amended, to provide funds for combination multifamily housing development and health care facility on behalf of Augustana Chapel View Homes, Inc.

Be It Resolved by The City Council of The City of Minneapolis:

1. **Authority.** The City of Minneapolis (the City) is by the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Chapter 462C, as amended (the Act), authorized to issue and sell its revenue bonds for the purpose of financing and refinancing costs of authorized developments and to enter into contracts necessary or convenient in the exercise of the powers granted by the Act.

2. **Authorization of Project; Documents Presented.** Augustana Chapel View Homes, Inc., a Minnesota nonprofit corporation (the Borrower or the Corporation), has proposed to this Council that the City issue and sell its Housing and Health Care Facilities Revenue Bonds (Augustana Chapel View Homes, Inc. Project), Series 1997, in substantially the form set forth in the hereinafter-mentioned Trust Indenture (the Bonds) pursuant to the Act and loan the proceeds thereof to the Borrower, to rehabilitate and refinance existing debt with respect to Park Center, a 231-unit elderly independent living housing facility located at 1020 East 17th Street, Minneapolis, Minnesota, 55404 and 1509 10th Avenue South, Minneapolis, Minnesota 55404; and to rehabilitate and refinance existing debt with respect to the Augustana Home, a 370-bed nursing home facility located at 1007 East 14th Street, Minneapolis, Minnesota 55404 (collectively referred to as the Project). Forms of the following documents relating to the Bonds have been submitted to the City and are now on file in the offices of the City:

(a) Loan Agreement (the Loan Agreement) dated as of June 1, 1997, between the City and the Borrower, whereby the City agrees to make a loan to the Borrower of the gross proceeds of sale of the Bonds and the Borrower agrees to cause the Project to be completed, and to pay amounts in repayment of the loan sufficient to provide for the full and prompt payment of the principal of, premium, if any, and interest on the Bonds; and

(b) Trust Indenture (the Indenture) dated as of June 1, 1997, between the City and the indenture trustee named therein, as Trustee (the Trustee), pledging revenues, including those to be derived from the Loan Agreement, as security for the Bonds, and setting forth proposed recitals, covenants and agreements relating thereto; and

(c) Combination Mortgage, Security Agreement and Fixture Financing Statement and Assignment of Leases and Rents (the Mortgage) dated as of June 1, 1997, from the Borrower to the

City, providing a first mortgage lien against the Project Facilities, and an assignment to the leases and rents derived from the Project Facilities, all to provide security for the payment of the principal of and interest on the Bonds; and

(d) Assignment of Mortgage (the Assignment) dated as of June 1, 1997, from the City to the Trustee, by which the City assigns to the Trustee its interest in the rights granted by the Borrower to the Mortgagee under the Mortgage, and all with respect to the Mortgaged Property; and

(e) Bond Purchase Agreement (the Bond Purchase Agreement), between Miller, Johnson & Kuehn, Inc. (the Underwriter), the Borrower and the City, providing for the purchase of the Bonds from the City by the Underwriter and setting the terms and conditions of purchase; and

(f) Continuing Disclosure Agreement (the Continuing Disclosure Agreement) dated as of June 1, 1997, between the Corporation and the Trustee, providing for certain continuing disclosures to be made by the Corporation with respect to the Bonds; and

(g) Preliminary Official Statement and form of final Official Statement for the Bonds, including the Appendices thereto (the form of Preliminary Official Statement, together with the insertion of such underwriting details as the interest rates to be borne by the Bonds, and together with such further modifications as may be necessary or desirable, intended to constitute the form of the final Official Statement) (the Preliminary Official Statement and final Official Statement sometimes referred to herein together as the Official Statement), setting forth certain information with respect to the Bonds, the Borrower, the Project Facilities and the documents referred to above, pursuant to which the Bonds are to be offered and sold by the Underwriter.

3. **Findings.** It is hereby found, determined and declared that:

(a) The issuance of the Bonds is duly authorized by the Act.

(b) There is no litigation pending or, to the best of its knowledge, threatened against the City relating to the Project Facilities or to the Bonds, the Loan Agreement, the Bond Purchase Agreement, the Mortgage, the Assignment of Mortgage or the Indenture or questioning the organization, powers or authority of the City to issue the Bonds or execute or deliver such agreements.

(c) The execution, delivery and performance of the City's obligations under the

Bonds, the Indenture, the Bond Purchase Agreement, the Mortgage, the Assignment of Mortgage and the Loan Agreement do not and will not violate any charter provision or any order of any court or other agency of government of which the City is aware or in which the City is a party, or any indenture, agreement or other instrument to which the City is a party or by which it or any of its property is bound, or be in conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under any such indenture, agreement or other instrument.

(d) The Bonds are to be issued by the City upon the terms set forth in the Indenture, under the provisions of which the City's interests in the Loan Agreement (except for certain rights relating to indemnity, payment of fees, and repayment of advances and expenses) will be pledged to the Trustee as security for the payment of principal of, premium, if any, and interest on the Bonds.

(e) The Loan Agreement provides for payments by the Borrower to the Trustee for the account of the City of such amounts as will be sufficient to pay the principal of, premium, if any, and interest on the Bonds when due. The Loan Agreement obligates the Borrower to provide for the payment of operation and maintenance expenses, including adequate insurance, taxes and special assessments.

(f) Under the provisions of the Act, and as provided in the Loan Agreement and Indenture, the Bonds are not to be payable from nor a charge upon any funds or properties of the City, other than amounts payable pursuant to the Loan Agreement and moneys in the funds and accounts held by the Trustee under the Indenture, which are pledged to the payment thereof; the City is not subject to any liability thereon; no owners of the Bonds shall ever have the right to compel the exercise of any taxing powers of the City to pay any of the Bonds or the interest thereon, nor to enforce payment thereof against any property of the City (except for the City's interest in the Loan Agreement, as hereinabove described); the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City (except for the City's interest in the Loan Agreement, as hereinabove described); and each Bond issued under the Indenture shall recite that such Bond, including interest thereon, shall not constitute or give rise to a charge against the general credit or taxing powers of the City.

4. Approval and Execution of Documents. The forms of Loan Agreement, Indenture,

Mortgage, Assignment of Mortgage, and Bond Purchase Agreement, referred to in paragraph 2, are approved. The Loan Agreement, Trust Indenture, Mortgage and Assignment of Mortgage shall be executed in the name and on behalf of the City by one or more officers of the City, in substantially the form on file, but with all such changes therein, not inconsistent with the Act or other law, as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof, and then shall be delivered to the Trustee. The Bond Purchase Agreement shall be executed by one or more officers of the City in substantially the form on file, but with all such changes therein, not inconsistent with the Act or other law, as may be approved by the officer or officers executing the same, which approval shall be conclusively evidenced by the execution thereof.

5. Approval, Execution and Delivery of Bonds. The City is hereby authorized to issue the Bonds, to be dated the date of the initial issuance and delivery thereof, in an original aggregate principal amount not to exceed \$10,100,000, and in the form and upon the terms set forth in the Indenture, which terms are for this purpose incorporated in this Resolution and made a part hereof. The Bonds shall mature and bear interest as provided in the Indenture, and the net interest cost for the Bonds shall not exceed 7% per annum. The Underwriter is to purchase the Bonds, pursuant to the provisions of the Bond Purchase Agreement, at the purchase price set forth in the Bond Purchase Agreement, and said purchase price is hereby found to be favorable and is hereby accepted. Officers of the City are authorized to prepare and execute the Bonds as prescribed in the Indenture, to deliver them to the Trustee, together with a certified copy of this Resolution and the other documents required by the Indenture, for authentication, registration and delivery to the Underwriter. As provided in the Indenture, each Bond shall contain a recital that it is issued pursuant to the Act, and such recital shall be conclusive evidence of the validity and regularity of the issuance thereof.

6. Official Statement. The City hereby approves the use and circulation by the Underwriter of the Official Statement in connection with the offering of the Bonds for sale and the sale of the Bonds; provided, however, that the City has not participated and will not participate in the preparation of the Official Statement and will not undertake to independently verify the information

'in the Official Statement. The City takes no responsibility for, and makes no representations or warranties as to, the accuracy or completeness of such information.

7. **Certificates, etc.** The officers of the City are authorized to prepare and furnish to Bond Counsel and the Underwriter certified copies of all proceedings and records of the City relating to the Bonds, and such other affidavits and certificates as may be required to show the facts appearing from the books and records in the officers custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.

8. **Authorization.** The officers of the City are authorized to deliver a certified copy of this Bond Resolution to the County Auditor, together with such other information as such County Auditor may require, and obtain the certificate of the County Auditor as to entry of the Bonds on his bond register, as required by Section 475.63, Minnesota Statutes.

9. **Nature of City Obligations.** All covenants, stipulations, obligations, representations, and agreements of the City contained in this Resolution or contained in the aforementioned documents shall be deemed to be the covenants, stipulations, obligations, representations, and agreements of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations, representations, and agreements shall be binding upon the City. Except as otherwise provided in this Resolution, all rights, powers, and privileges conferred, and duties and liabilities imposed upon the City by the provisions of this Resolution or of the aforementioned documents shall be exercised or performed by such officers, board, body or agency as may be required or authorized by law to exercise such powers and to perform such duties. No covenant, stipulation, obligation, representation, or agreement herein contained or contained in the documents referred to above shall be deemed to be a covenant, stipulation, obligation, representation, or agreement of any council member, officer, agent, or employee of the City in that persons individual capacity, and neither the City Council nor any officer or employee executing the Bonds or such documents shall be liable personally on the Bonds or be subject to any representation, personal liability or accountability by reason of the issuance thereof. No provision,

representation, covenant or agreement contained in the Bonds or in any other document related to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general obligation of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in the Bonds or in any other document related to the Bonds, the City has not obligated itself to pay or remit any funds or revenues, other than the Trust Estate described in the Indenture.

10. **Rights Conferred.** Except as herein otherwise expressly provided, nothing in this Resolution or in the Indenture, expressed or implied, is intended or shall be construed to confer upon any person, firm, or corporation other than the City, the owners of the Bonds, the Trustee, and the Borrower, to the extent expressly provided in the Loan Agreement or the Indenture, any right, remedy, or claim, legal or equitable, under and by reason of this Resolution or any provision hereof or of the Indenture or any provision thereof, this Resolution, the Indenture and all of their provisions being intended to be and being for the sole and exclusive benefit of the owners from time to time of the Bonds issued under the provisions of this Resolution and the Indenture, the City and the Borrower to the extent expressly provided in the Loan Agreement or the Indenture.

11. **Payment of Costs.** All costs incurred by the City in connection with the issuance, sale and delivery of the Bonds and the execution and delivery of the documents referred to above or any other agreement or instrument relative to the Bonds, whether or not actually issued or delivered, such as costs of publication of legal notices, have been agreed by the Borrower to be paid by the Borrower or reimbursed by the Borrower to the City.

12. **Authorized Officers.** The Bonds and the documents referred to herein are authorized to be executed on behalf of the City by its Mayor, City Clerk and Finance Officer; provided that in the event any of the officers of the City authorized to execute documents on behalf of the City under this Resolution shall have resigned or shall for any reason be unable to do so, any member of the City Council of the City, or any officer or employee of the City, is hereby directed and authorized to do so on behalf of the City, with the same effect as if executed by any officer specifically authorized to do so in the Indenture or this Resolution.

13. **Governmental Program.** The Bonds are hereby designated "Program Bonds" and are determined to be within the "Housing Program" and the "Program", all as defined in Resolution 88R-021 of the City adopted January 29, 1988.

14. **Effective Date.** Be It Further Resolved that this Resolution shall be in full force and effect immediately from and after its passage.

Adopted. Yeas, 11; Nays none.

Absent - McDonald, Dziedzic.

Passed May 23, 1997. J. Cherryhomes,
President of Council.

Approved May 23, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

**The COMMUNITY DEVELOPMENT and
WAYS & MEANS/BUDGET** Committees
submitted the following reports:

Comm Dev & W&M/Budget -Your
Committee, having under consideration the action
of the Neighborhood Revitalization Program (NRP)
Policy Board approving the use of Minneapolis
Public Schools "second 7.5%" NRP funds for the
Hale School facility project, and understanding that
the Hale/Page/Diamond Lake neighborhood,
through its NRP Action Plan, will contribute funds
to the project (Petn No 262748), now recommends:

1. Approval of the use of Minneapolis
Public Schools "second 7.5%" NRP funds for said
project;

2. Passage of the accompanying resolution
increasing the NRP Program Fund (CNR) by
\$100,000;

3. That the proper City officers be authorized
to execute any agreements needed to implement
use of said School funds; and

4. That this action be transmitted to the Board
of Commissioners of the Minneapolis Community
Development Agency.

Adopted. Yeas, 11; Nays none.

Absent - McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 97R-127
By Niland and Campbell**

**Amending The 1997 Minneapolis
Community Development Agency Appropriation
Resolution.**

Resolved by The City Council of The City of
Minneapolis:

That the above-entitled resolution, as
amended, be further amended by increasing Fund
CNR-NRP Program by \$100,000 from projected
fund balance.

Adopted. Yeas, 11; Nays none.

Absent - McDonald, Dziedzic.

Passed May 23, 1997. J. Cherryhomes,
President of Council.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget -Your
Committee, having under consideration the action
of the Neighborhood Revitalization Program (NRP)
Policy Board approving the use of Minneapolis
Public Schools "second 7.5%" NRP funds for the
Howe School playground project, and
understanding that the Longfellow neighborhood,
through its NRP Action Plan, will contribute funds
to the project (Petn No 262748), now recommends:

1. Approval of the use of Minneapolis Public
Schools "second 7.5%" NRP funds for said
project;

2. Passage of the accompanying resolution
increasing the NRP Program Fund (CNR) by
\$33,500;

3. That the proper City officers be authorized
to execute any agreements needed to implement
use of said School funds; and

4. That this action be transmitted to the Board
of Commissioners of the Minneapolis Community
Development Agency.

Adopted. Yeas, 11; Nays none.

Absent - McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 97R-128
By Niland and Campbell**

**Amending The 1997 Minneapolis
Community Development Agency Appropriation
Resolution.**

Resolved by The City Council of The City of
Minneapolis:

That the above-entitled resolution, as
amended, be further amended by increasing Fund

CNR-NRP Program by \$33,500 from projected fund balance.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997. J. Cherryhomes, President of Council.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget -Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the use of the Minneapolis Public Schools “second 7.5 %” NRP funds for the Audubon School Playground, and understanding that the Linden Hills neighborhood, through a modification of its NRP First Step Plan, will contribute funds to the playground (Petr No 262748), now recommends:

1. Approval of the use of Minneapolis Public Schools “second 7.5 %” NRP funds for said playground;

2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR) by \$40,000;

3. That the proper City officers be authorized to execute any agreements needed to implement use of said School funds; and

4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-129

By Niland and Campbell

Amending The 1997 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing Fund CNR-NRP Program by \$40,000 from projected fund balance.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997. J. Cherryhomes, President of Council.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget -Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the use of Minneapolis Public Schools “second 7.5 %” NRP funds for the Kenny School Playground project, and understanding that the Kenny neighborhood, through its NRP Action Plan, and the Park Board will also contribute funds to the project (Petr No 262748), now recommends:

1. Approval of the use of Minneapolis Public Schools “second 7.5 %” NRP funds for said project;

2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR) by \$60,000;

3. That the proper City officers be authorized to execute any agreements needed to implement use of the said School funds; and

4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-130

By Niland and Campbell

Amending The 1997 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing Fund CNR-NRP Program by \$60,000 from projected fund balance.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997. J. Cherryhomes, President of Council.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget -Your Committee, having under consideration the action of the Neighborhood Revitalization Program (NRP) Policy Board approving the use of Hennepin County "second 7.5 %" NRP funds for the purpose of overseeing implementation of the Phillips Lifespan goals by the Phillips neighborhood, which goals are described in the Phillips NRP Action Plan (Petn No 262748), now recommends:

1. Approval of the use of Hennepin County's "second 7.5 %" NRP funds for said purpose;

2. Passage of the accompanying resolution increasing the NRP Program Fund (CNR) by \$30,000;

3. That the proper City officers be authorized to execute any agreements needed to implement use of said County funds; and

4. That this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-131

By Niland and Campbell

Amending The 1997 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing Fund CNR-NRP Program by \$30,000 from projected fund balance.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997. J. Cherryhomes, President of Council.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The INTERGOVERNMENTAL RELATIONS and WAYS & MEANS/BUDGET Committees submitted the following report:

IGR & W&M/Budget – Your Committee recommends approval for the City to submit a proposal to the State of Minnesota for completion of the Minneapolis Convention Center, at a cost of \$193,290,000, for consideration in the 1998 State Capital Budget and Bonding Bill.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:

PS&RS – Your Committee, having under consideration the following applications for Sidewalk Cafe Permits, and having held public hearings thereon, now recommends that said permits be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

a) Mediterranean Deli, Inc, dba Mediterranean Deli, 523 Cedar Av;

b) Ceefay, Inc, dba Dunn Brothers Coffee, 5008 Xerxes;

c) Bob's Java Hut, Inc, dba Bob's Java Hut, 2651 Lyndale Av S;

d) Norstar Bagel Bakeries, Inc, dba Brueggers Bagel Bakery, 1500 W Lake St;

e) Norstar Bagel Bakeries, Inc, dba Brueggers Bagel Bakery, 319 14th Av SE;

f) Norstar Bagel Bakeries, Inc, dba Brueggers Bagel Bakery, 228 E Hennepin Av;

g) Tarracino Coffee, LLC, dba Tarracino Coffee, 224 Hennepin Av; and

h) Espresso Cafe Corporation, dba Espresso Royale, 411 14th Av SE.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, to whom was referred an Ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Licenses, now

recommends that said Ordinance be given its second reading for amendment and passage.

ORDINANCE 97-Or-048

By Scott

Intro & 1st Reading: 4/11/97

Ref to: PS&RS

2nd Reading: 5/23/97

Amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to Liquor and Beer: Liquor Licenses.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 362.30 (g)(2)(b) of the above-entitled ordinance be amended to read as follows:

362.30. "On sale" licenses.

(g) Off-street parking.

(2) b. A place of business located south of the center line of East Grant Street, north of the center line of Fifteenth Street, and on the Nicollet Avenue block face or a place of business located from Hawthorne Avenue to 15th Street North to Laurel Avenue to 17th Street North to Hennepin Avenue to Harmon Place to Maple Street to Hennepin Avenue to 13th Street North, which seeks an "on-sale" liquor license may fulfill the off-street parking requirement of this subsection for such "on-sale" liquor license by maintaining a free valet parking service for its customers. The service shall be available during all business hours and shall provide service to and from the main entrance. Availability of this service shall be conspicuously posted inside and outside the establishment near the main entrance. The valet shall be properly licensed to operate a motor vehicle.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997. J. Cherryhomes, President of Council.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS– Your Committee recommends granting the following applications for liquor, wine and beer licenses:

Off-Sale Liquor, to expire July 1, 1998

E & M Franklin Nicollet, dba Franklin Nicollet Liquor Store, 2012 Nicollet Av, 1st floor;

Philmik, Inc, dba Hennepin Lake Liquors, 1200 W Lake St;

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 1997

International Catering, Inc, dba Atrium Cafe & Atrium Catering, Inc, 275 Market St, KDWB Radio, 5/12/97, 6:30PM-12:30AM;

International Catering, Inc, dba Atrium Cafe & Atrium Catering International, 275 Market St, Heart & Soul Benefit, 5/16/97, 8PM-Midnight;

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 1998

Tubby's, Inc, dba Tubby's Bar and Grill, 2500 NE 4th St, regular expansion of premises;

Lake and Hennepin BBQ and Blues, Inc, dba Lake and Hennepin BBQ and Blues, 3001 Hennepin Av, internal transfer of shares;

Lake and Hennepin BBQ and Blues, Inc, dba Famous Dave's BBQ and Blues, 3001 Hennepin Av, G-109;

On-Sale Liquor Class C-2, with Sunday Sales, to expire January 1, 1998

Brass Rail on Hennepin, Inc, dba Brass Rail, 422 Hennepin Av, corporate name change;

422 Hennepin, Inc, dba Brass Rail, 422 Hennepin Av;

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 1998

Joe's Garage, Inc, dba Joe's Garage Restaurant, 1610 Harmon Place, upgrade from On-Sale Wine Class E with Strong Beer;

K & E, Inc, dba Minneapolis Bar and Grill, 514 Nicollet Mall, Suite 420;

Temporary On-Sale Liquor

Calhoun Area Residents Action Group, dba Hennepin Lake Community Wine Tasting, 3009 Bryant Av S, Calhoun Square, Licensed Facilitator, Figlio's Parasole Restaurant, 6/11/97, 5-10PM;

On-Sale Wine Class E with Strong Beer, to expire April 1, 1998

Pizza Luce', Inc, dba Pizza Luce', 119 N 4th St, new shareholder, new manager;

Satellite Productions, Inc, dba Molly Quinn's, 4300 E Lake St, internal transfer of shares;

Michael Donald Kostick, dba My Place Tavern, 728 Broadway St;

Safaran Food Corporation, dba Saffran Cafe, 3501 Nicollet Av;

Satellite Productions, Inc, dba Molly Quinn's, 4300 E Lake St;

Off-Sale Beer, to expire April 1, 1998

Brix Grocery and Meat, Inc, dba Brix Grocery and Meat, 915 W Broadway, new business;

W & F, Inc, dba Wafana Food Market, 2326 Lyndale Av N, new proprietor;

El-Hakeem Ashraf/Al Barghouthy Islam, dba Vana's Food Market, 2801 Grand Av, new proprietor and additional partner added;

Alfardo's Corporation, dba Eddie's Food Market, 5405 42nd St, corporate change;

Vang Pheng, dba V F Oriental Foods, 1417 E Lake St;

Twin Cities Stores, Inc, dba Oasis Market #566, 2520 University SE;

1st Sara, Inc, dba Cedar Marketplace, 4164 Cedar Av;

Temporary On-Sale Beer

Church of All Saints, dba Church of All Saints, 435 NE 4th St, fall festival, 9/7/97, 11AM-7PM;

South Chicago Av Business Alliance, Inc, dba South Chicago Avenue Business Alliance, 4820 Chicago Av, annual festival, 6/7/97, 10AM-6PM;

Sons of Norway, A Non-Profit Minnesota Corporation, dba Uptown Street Jam, 1455 W Lake St, Hennepin Av between Lake and 31st Sts, 6/22/97, Noon-8PM; and

Sons of Norway, A Non-Profit Minnesota Corporation, dba Uptown Art Fair, 1455 W Lake St, Hennepin Av between Lake and 31st Sts, Mall at Hennepin/Mall at Irving, 8/1-8/3, Noon-9PM.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends granting the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of May 23, 1997, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 262753):

Building Contractor Class A; Building Contractor Class B; Cement Finisher; Contractor/Masonry Class A; Contractor/Masonry Class B; Dry-Wall Contractor; Place of Entertainment; Fire Extinguisher Class A; All-Night Special Food; Caterers; Confectionery; Food Distributor; Farm-Produce Permit; Farm Produce (Profit or Non-Profit) Permit; Grocery; Food Manufacturer; Mobile Food Vendor; Restaurant Drive In; Restaurant; Short-Term Food Permit; Seasonal Short-Term Food Establishment; Sidewalk Cafe Permit; Vending Machines; Gas Fitter Class A; Gasoline Filling Station; Heating, Air Conditioning, Vent Installer Class B; Hotel;

Lodging House; Pet Shop; Plumber; Pool Tables; Refrigeration Installer; Swimming Pools; Tattooing; Taxicab Vehicle; Tobacco Dealers; and Tree Servicing.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling-Lawful Class B

Minnesota/USA Wrestling, Inc, 2801 Wayzata Blvd, Suite 101, site: Cuzzy's, 507 Washington Av N;

MLBA Children's Fund, dba Minnesota Licensed Beverage Association, 800 42nd Av N, Nokomis Lanes, 4040 Bloomington Av;

Gambling Lawful Class C

Minneapolis American Indian Center, 1530 E Franklin Av, site: Minneapolis American Indian Center, 1530 E Franklin Av;

Gambling Lawful Exempt

American Association of Meat Processors, One Meating Place, P.O. Box 269, Elizabethtown, Pennsylvania, raffle at Hyatt Regency Minneapolis, 1300 Nicollet Mall, 7/11/98;

Church of All Saints, 435 NE 4th St, bingo, raffle, paddlewheels, pulltabs, 9/7/97; and

Minnesota Advocate for Human Rights, 310 4th Av S, #1000, raffle at Hilton, 1001 Marquette Av, 6/3/97.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the Tobacco License held by Ali Hirsi Guled, dba A-G Market, 2606 Bloomington Av S, and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing thereon, now recommends adoption of the TAC recommendations, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends concurrence with the recommendation of the City Council to appoint the following persons to serve on the Citizens Environmental Advisory Committee (CEAC) for two-year terms to expire December 31, 1998:

a) Harriet Duerre, Environmental Advocacy Group Representative, 19 S 1st St, #B2402, Ward 7;

b) Randy Kouri, Citizen Member, 1822 Marshall St NE, Ward 3; and

c) Andrew Roberts, Citizen Member, 1022 Sheridan Av N, Ward 5.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends that the proper City officers be authorized to execute a contract with Dakota County Technical College to provide one classroom and one driving course to officers receiving driver's education and training relative to automobile pursuits, for the period from April 8, 1997 through December 9, 1997, in the amount of \$11,250, payable from the General Fund – Police Department Agency – Professional Standards/Training (010-400-B111).

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends that the proper City officers be authorized to execute a contract with Hennepin County to provide nutrition services through the School-Based Clinics Program, for the period from November 12, 1996 through December 31, 1997, in the amount of \$75,000, with \$49,000 to be payable from the General Fund – Health Department Agency – School-Based Clinics (010-440-4422) and \$26,000

from the Federal Grants Fund – Health Department Agency – Contracts Management (030-440-4413).

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends concurrence with the recommendation of the Mayor to appoint Denise Andrews, 2414 Ilion Av N, Ward 3, to serve on the Minneapolis Advisory Committee on People with Disabilities, replacing Debra Smith McGee, for the remainder of a 2-year term to expire December 31, 1997.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration a request from Gar-Dar, Inc, for a stay of imposition of the City Council action dated April 11, 1997 which denied the renewal of the On-Sale Liquor Class B License held by Gar-Dar, Inc, dba Mirage, now recommends that the City deny said request and uphold its original action for denial of said license.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee, having under consideration the following properties creating nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and having determined that rehab of said properties is not feasible, and having received Findings of Fact, Conclusions and Recommendations arising from a Public Safety & Regulatory Services Committee hearing thereon, as more fully set forth in said Findings which are on file in the Office of the City Clerk and made a part of this report by reference, now recommends that the proper City officers be authorized to raze the following properties:

a) 1108 27th Av N, legal description as set forth in Petn No 262752 on file in the Office of the City Clerk;

b) 2426 Dupont Av N, W 1/2 of Lot 14, Block 16, Highland Park Addition; and
c) 414 23rd Av N, E 38.5' of Lots 8 & 9, Cobbs Addition.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS – Your Committee recommends approval to submit a grant application to the Minnesota Department of Corrections for federal funding relating to the Violence Against Women Act to provide funding for the Collaborative Advocacy Project, in the amount of \$21,207, with the 25% local match requirement to be met through existing staffing, office space and supplies dedicated to the project, with the understanding that no local cash match will be required.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

ThePUBLICSAFETY & REGULATORY SERVICES, TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET

Committees submitted the following report:

PS&RS, T&PW & W&M/Budget - Your Committee recommends acceptance of the bid received on OP #4604 (Petn No 262760), submitted by Sheehy Construction Company, Inc, St. Paul, for furnishing all labor, materials, permits and incidentals necessary to accomplish the 5th Precinct Building Project, all in accordance with City specifications, in the amount of \$2,789,000, and further recommends approval to include the neighborhood contribution relating to Alternate 3 (landscaping) and Alternate 4 (tree lighting), in the amount of \$36,000, to be reimbursed by Neighborhood Revitalization Program (NRP) funds, for a total award amount of \$2,825,000, payable from Permanent Improvement Projects - Public Works General Services - Capital - (410-923-9242).

Your Committee further recommends that the proper City officers be authorized to execute a contract with Sheehy Construction Company, Inc,

for said project, all in accordance with City specifications.

Your Committee further recommends that the apparent low bidder, Shaw-Lundquist, Inc, be allowed to withdraw its bid, which was understated by \$115,650.

Adopted. Yeas, 11; Nays none.

Absent - McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 23, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 28, 1997).

ThePUBLICSAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET

Committees submitted the following reports:

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a contract with the Minneapolis Public Housing Authority (MPHA) for the City to provide police services exclusively to public housing communities, forming a community-oriented enforcement team of 1 lieutenant, 1 sergeant and 8 police officers, for the period from January 1, 1997 through December 31, 1997, in an amount not to exceed \$638,188, payable from the General Fund – Police Department Agency – Housing (010-400-E013), to be reimbursed by the MPHA.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS & W&M/Budget – Your Committee recommends acceptance of the low bid meeting specifications received on OP #3645 (Petn No 262758), submitted by Hennepin County Medical Center, to provide Emergency Medical Services (EMS) Training to Fire Department personnel at designated training facilities, for the period from July 1, 1997 through June 30, 1998, with four yearly renewal options to be at the sole discretion of the City, in the amount of \$65,800, payable from the General Fund – Fire Department Agency – Training and Safety Division (010-280-2816).

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.
Approved May 29, 1997. S. Sayles Belton,
Mayor.
Attest: M. Keefe, City Clerk.

Present - Campbell, Biernat, Niland, Minn,
Mead, Scott, Schulstad, Herron, Rainville, Thurber,
Cherryhomes.
Absent - McDonald, Dziedzic.

PS&RS & W&M/Budget– Your Committee,
having under consideration a request from the
Civilian Review Authority (CRA) for authorization
for the proper City officers to enter into
negotiations with representatives from the Grain
Exchange to develop lease terms for office space,
now recommends:

PS&RS – that said request be **sent forward
without recommendation.**

W&M/Budget – that said request be
approved, with the caveat that an escape clause of
no more than 120 days be included in the final
contract.

Biernat moved to amend the report to approve
the recommendation of the Ways & Means/Budget
Committee and to delete the recommendation of
the Public Safety & Regulatory Services
Committee. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted.

Yeas, 10; Nays, 1 as follows:

Yeas – Biernat, Niland, Minn, Mead, Scott,
Herron, Rainville, Thurber, Campbell,
Cherryhomes.

Nays – Schulstad.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Biernat moved that the Council resolve itself
into a Committee of the Whole. Seconded.

Adopted. Yeas, 11; Nays none

Absent - McDonald, Dziedzic.

The Committee of the Whole convened at 9:55
a.m.

Vice President Biernat assumed the Chair.

Campbell moved that the Committee of the
Whole rise and report its findings to the Council
relating to the application of the New French
Uptown, Inc, dba New French Kitchen, 1300
Lagoon Av. Seconded.

Adopted upon a voice vote.

The Council reconvened at 9:59 a.m.

President Cherryhomes resumed the Chair.

The **TAXES** Committee submitted the
following report:

**BOARD OF EQUALIZATION
REPORT OF SPECIAL
BOARD OF REVIEW**

Pursuant to the provisions of an ordinance
passed May 30, 1975, by the Minneapolis City
Council relating to assessments of market value of
real estate, providing for the creation of a Special
Board of Review, and a resolution passed on
February 7, 1997, providing for the procedure to be
followed by said Board, and one committee report
passed on February 7, 1997, appointing members to
the Special Board of Review, the City Clerk submits
the report of the Special Board of Review which met
on Monday, April 28, 1997, in the City of Lakes
Building in the City of Minneapolis. The Board was
duly sworn and after being so sworn entered upon
the discharge of duties imposed by law on such
Board.

The Board continued to meet to and including
Friday, May 16, 1997. The Board equalized the
assessments of the various assessment rolls of real
and personal property located in the City of
Minneapolis, County of Hennepin, Minnesota, and
recommended approval of the Assessor's rolls
containing the assessment of real estate and
personal property in the various districts of the City
of Minneapolis, as so revised, amended, equalized
and granted by the Board.

The Board recommended to the City Clerk that
copies of the adjustments and corrections made to
such assessment rolls be transmitted to the City
Council for approval or correction and if approved,
such assessment rolls as approved and/or corrected
be transmitted to the City Assessor, County Board
of Equalization and State Tax Commissioner with
the request that they take such action within their
powers as authorized by law to give full effect to
the correction and adjustments recommended and
made by the Board.

Adopted. Yeas, 10; Nays none.

Absent – McDonald, Schulstad, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

**The TRANSPORTATION & PUBLIC
WORKS** Committee submitted the following
reports:

T&PW – Your Committee, having under
consideration the reconstruction of E 50th St from
Nicollet Av S to E Minnehaha Pkwy, now
recommends approval of the layout dated 4/17/97
for Phase I, Nicollet Av S to the west end of the
I-35W bridge, as shown on Petn No 262764 on file
in the Office of the City Clerk.

Your Committee further recommends passage
of the accompanying Resolution directing the City
Engineer to proceed with a variance from State-
Aid Rules for the reconstruction of E 50th St from
Nicollet Av S to E Minnehaha Pkwy, as shown on
the layout dated 4/17/97.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-132

By Dziedzic

**Directing the City Engineer to proceed with
the submittal of a variance request to the
Commissioner of Transportation for E 50th St
from Nicollet Av to E Minnehaha Pkwy.**

Whereas, the City wishes to reconstruct E 50th
St from Nicollet Av to E Minnehaha Pkwy; and

Whereas, Minnesota Department of
Transportation (MnDOT) State-Aid Rule
8820.9912 requires a minimum design speed of 30
miles per hour; and

Whereas, physical constraints limit the
minimum design speed to 26 mph between Station
47+57.51 and Station 48+16.51, 24 mph between
Station 48+29.69 and Station 48+76.39, 19 mph
between 48+85.00 and 49+25.00, 19 mph
between Station 49+01.76 to 49+25.15, 16 mph
for Station 49+83.12 and Station 49+95.12, 27
mph from Station 50+06.90 to Station 50+18.90,
18 mph from Station 51+85.57 to Station
51+97.57, 26 mph between Station 52+06.71 to

Station 52+18.71, 17 mph from Station 52+43.00
to Station 52+63.00; and

Whereas, State-Aid Rules provide that a
political subdivision may request a variance from
the Rules;

Now, Therefore, Be It Resolved by The City
Council of The City of Minneapolis:

That the City Engineer is hereby directed to
submit to the Commissioner of Transportation a
formal request for a variance from MnDOT State-
Aid Rule 8820.9912 to permit reconstruction of E
50th St from Nicollet Av to E Minnehaha Pkwy
with a minimum design speed of 26 mph between
Station 47+57.51 and Station 48+16.51, 24 mph
between Station 48+29.69 and Station 48+76.39,
19 mph between 48+85.00 and 49+25.00, 19 mph
between Station 49+01.76 to 49+25.15, 16 mph
for Station 49+83.12 and Station 49+95.12, 27
mph from Station 50+06.90 to Station 50+18.90,
18 mph from Station 51+85.57 to Station
51+97.57, 26 mph between Station 52+06.71 to
Station 52+18.71, 17 mph from Station 52+43.00
to Station 52+63.00.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997. J. Cherryhomes,
President of Council.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under
consideration the reconstruction of University Av
NE (TH 47) betw 27th & 35th Avs NE, now
recommends approval of Minnesota Department of
Transportation's (MnDOT) construction plans, as
shown on Petn No 262764 on file in the Office of
the City Clerk, for the improvement of University
Av NE involving the replacement of the University
Av NE Bridge over the Canadian Pacific Rail Road
(CPRR) north of St Anthony Pkwy and the
reconstruction of the east frontage road known as
4th St NE south of St Anthony Pkwy. These plans
are identified as "MnDOT Project SP 2726-64 (TH
47), SAP 141-010-31 - Grading, Surfacing Bridge
Fill and Bridge Number 27059 from 30th Avenue
Northeast to St. Anthony Parkway in
Minneapolis". The Corresponding Federal Project
Number is STPF 2798(228).

Your Committee further recommends that the
proper City Officers be authorized to execute
Cooperative Construction Agreement No 76128
with MnDOT authorizing a payment of \$120,000
to MnDOT from PW - Streets & Malls - Capital

(410-937-9372) to be fully recoverable from Municipal State Aid fund for SAP 141-010-31.

Adopted. Yeas, 11; Nays none.

Absent - McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 23, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 28, 1997).

T&PW – Your Committee, having under consideration the Irving Avenue Dump Superfund site, located south of Bassett Creek and west of the Impound Lot at approximately Irving Av N, now recommends that the proper City Officers be authorized to execute a Supplemental Agreement to Agreement #C959035 with Barr Engineering, in the amount of \$20,000, to complete investigation at said Superfund site as required by the Minnesota Pollution Control Agency, payable from PW – Engineering Design (730-600-6065).

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW – Your Committee, having under consideration a review of the options available for the delivery of asphalt, concrete and geotechnical laboratory services provided by the Public Works Paving Products Division, now recommends the following:

a. adoption of the October 1996 Paving Products Study recommendations relating to the Asphalt Plant and the Paving Laboratory, including all subsequent supplemental information that has been provided;

b. direct staff to continue the existing operations at the Concrete Plant in a manner that will take advantage of technological and logistical innovations that are available, with a report back to Committee by October 1, 1997; and

c. direct staff to pursue the leasing option for the Concrete Plant, and abandon the option to distribute a bid specification that sells the excess capacity at the Concrete Plant.

Campbell moved to amend the report by adding an Item “d” to read as follows:

“d. direct staff to include labor representation as they develop a Request for Proposal (RFP) for the leasing option.” Seconded.

Adopted upon a voice vote.

Niland moved to amend the report by deleting the language “the leasing option for the Concrete Plant, and abandon” contained in Item “c”.

Seconded.

Lost. Yeas, 5; Nays, 6 as follows:

Yeas – Biernat, Niland, Mead, Herron, Cherryhomes.

Nays – Campbell, Minn, Scott, Schulstad, Rainville, Thurber.

Absent – McDonald, Dziedzic.

The report, as amended, was adopted.

Yeas, 10; Nays, 1 as follows:

Yeas – Campbell, Biernat, Minn, Mead, Scott, Schulstad, Herron, Rainville, Thurber, Cherryhomes.

Nays – Niland.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET

Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution ordering the work to proceed and adopting the special assessments for the realignment and construction of an E-W connection for the alley in the block betw Chowen and Drew Avs S from 49th to 50th Sts W, Special Street Acquisition and Improvement No 2940.

Your Committee further recommends passage of the accompanying Resolution appropriating \$28,600 to the PW - Streets & Malls Capital Agency to provide funds for the special assessment portion of said project.

Your Committee further recommends summary publication of the above-described Resolutions.

Adopted. Yeas, 11; Nays none.

Absent - McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 23, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 97R-133, ordering the work to proceed and adopting the special assessments for the realignment and construction of an E-W connection for the alley in the block betw Chowen

and Drew Avs S from 49th to 50th Sts W, Special Street Acquisition and Improvement No 2940, and Resolution 97R-134 amending the 1997 Capital Improvement Appropriation Resolution, were passed May 23, 1997, by the City Council and approved May 23, 1997, by the Mayor. A complete copy of these resolutions are available for public inspection in the office of the City Clerk. (Published May 28, 1997).

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 97R-133
By Dziedzic and Campbell**

**SPECIAL STREET ACQUISITION AND
IMPROVEMENT No 2940**

Ordering the work to proceed and adopting the special assessments for the realignment and construction of an E-W connection for the alley in the block betw Chowen and Drew Avs S from 49th to 50th Sts W.

Whereas, a public hearing was held on May 15, 1997 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed alley realignment and improvements as designated in Resolution 97R-088 passed April 11, 1997, to consider the proposed special assessments as on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding the proposed realignment and improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 97R-088 passed April 11, 1997 upon receipt of the necessary interests for the new E-W alley connection.

Be It Further Resolved that the proposed special assessments in the total amount of \$28,600 as on file in the Office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments may be paid shall be fixed at ten (10) and that interest be charged at the same rate as assessment bonds are sold for in 1997

with collection of the special assessments to begin on the 1998 real estate tax statements.

Adopted. Yeas, 11; Nays none.

Absent - McDonald, Dziedzic.

Passed May 23, 1997. J. Cherryhomes, President of Council.

Approved May 23, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 97R-134
By Dziedzic and Campbell**

**Amending The 1997 Capital Improvement
Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW - Streets & Malls Capital Agency in the Permanent Improvement Projects Fund (410-937-9372) by \$28,600 and increasing the revenue source (410-937-9372 - Source 3650) by \$28,600 for the special assessments for the new E-W alley connection in the block betw Chowen and Drew Avs S from 49th to 50th Sts W.

Adopted. Yeas, 11; Nays none.

Absent - McDonald, Dziedzic.

Passed May 23, 1997. J. Cherryhomes, President of Council.

Approved May 23, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget- Your Committee recommends acceptance of the following bids in accordance with City specifications (Petr No 262766):

a) OP #4611, low bid submitted by Visu-Sewer Clean and Seal, Inc., for an estimated expenditure of \$23,532, for furnishing and installing sewer main by a trenchless process for Public Works Sewer Maintenance;

b) OP #4613, low bids submitted as follows for furnishing and delivering all labor, materials, supervision, permits and incidentals necessary for the remediation of petroleum contaminated soils through December 31, 1997 for Public Works Sewer Construction:

C.S. McCrossan Construction, Inc, for an estimated expenditure of \$25,000; vendor offers to extend contract prices, terms and conditions for

one additional year after 1997 at the sole option of the City of Minneapolis;

Mathews Drainage and Excavating, for an estimated expenditure of \$25,000; vendor offers to extend contract prices, terms and conditions for additional years after 1997 at the sole option of the City of Minneapolis;

c) OP #4609, low bid submitted by Layne Minnesota Company, for an estimated expenditure of \$88,915, for furnishing and installing lined shaft holes and core drilled excavations for Public Works Sewer Construction as listed in Petn No 262766;

d) OP #4600, low bid submitted by E.R. Berwald Roofing Company, Inc., in the amount of \$1,002,929, for furnishing and delivering all labor, materials, equipment, supervision and incidentals necessary for installation of a new roof system at the Fridley Softening Plant for the Public Works Water Department.

Your Committee further recommends that the proper City Officers be authorized to execute contracts for the above projects and/or services, in accordance with City specifications.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget– Your Committee recommends that the proper City Officers be authorized to execute a lease agreement with Universal Outdoor Inc for the continued placement of an outdoor sign located on City property at 1301 3rd Av S. Said lease shall be for five years and provides for Universal to deliver 25% of the gross receipts from rental of said sign, with the City receiving no less than \$8,400 per year. Further, said lease shall contain escape clauses, should the parcel of land be developed.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget– Your Committee recommends that the proper City Officers be authorized to execute Agreement No PW 47-20-96 with Hennepin County for the installation of overhead signal indications on Portland Av S at

Grant St and at E 15th St. Funding for the City's portion of the project cost of \$15,375.36 have been designated in the 1995 Capital Improvement Program.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget – Your Committee, having under consideration the Sumner Olson Wetland Restoration Project providing for the creation of park land and restoration of a wetland adjacent to Bassett Creek in the vicinity of the Sumner Olson public housing site, now recommends that the proper City Officers be authorized to submit grant applications to the Metropolitan Council for a 1997 Twin Cities Water Quality Initiative grant of \$100,000, and to the Minnesota Board of Soil and Water Resources for a Wetland Replacement Program grant of \$330,000. Said grants are being submitted with the understanding that the project plan has not been reviewed or adopted by the City Council.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget – Your Committee recommends that the following organizations be approved to participate in the City's 1997 Charitable Campaign:

- Cooperating Fund Drive;
- The Health Fund of Minnesota;
- Open Your Heart to the Hungry and

Homeless;

- Minnesota Environmental Fund;
- United Way of Minneapolis Area.

Your Committee further recommends that the UNCF/The College Fund and United Arts organizations, which did not meet participation requirements in 1996 under the City's Regulations for Solicitation & Payroll Deduction for Nonprofit Charitable Organizations, be granted a waiver from said regulations and be allowed to participate

in the City's 1997 Charitable Campaign. Those organizations shall be notified that the waiver is granted for one year only.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration a request to proceed with the ADVANTAGE 2.0/Client Server upgrade to the City's FISCOL financial system, now recommends:

a) That the proper City officers be directed to begin work on said upgrade to the FISCOL system according to the proposed workplan (Petr No 262771) beginning in May of 1997 but subject to the final determination of the SISP/PEPP process;

b) That the proper City officers be authorized to execute an amendment to City Contract #8683 with American Management Systems, increasing the contract amount by \$1,047,438 to provide for 6825 additional hours of professional services related to implementation of the FISCOL system upgrade; and

c) Passage of the accompanying resolution increasing the Capital Projects appropriation by \$2,310,000, representing the total cost of the project which is financed internally and will be paid back through savings.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-135

By Campbell

Amending The 1997 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Capital Improvements – Non-Departmental Agency in the Permanent Improvement Projects Fund (410-970) by \$2,310,000.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997. J. Cherryhomes, President of Council.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration the report of the Minneapolis Arts Commission Advisory Panel for the Round 13 of the Neighborhood Arts New Presenters Program, now recommends approval of the funding recommendations (as contained in Petr No 262768) which shall provide City funds totaling \$25,000 to 30 community organizations for arts programs and activities.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends passage of the accompanying resolution authorizing the proper City officers to seek reimbursement from the Federal Emergency Management Agency (FEMA) for flood relief assistance which the City has provided.

RESOLUTION 97R-136
By Campbell

Authorizing execution of a Sub-Grant Agreement with the State Division of Emergency Management.

Resolved by The City Council of The City of Minneapolis:

That the City enter into a Sub-Grant Agreement with the Division of Emergency Management in the Minnesota Department of Public Safety for the program entitled Infrastructure Program for FEMA 1175-DR-MINNESOTA and that Captain Richard Turner, Minneapolis Director of Emergency Preparedness, be authorized to execute and sign said Sub-Grant and amendments as are necessary to implement the project on behalf of the City.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997. J. Cherryhomes, President of Council.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends passage of the accompanying resolutions providing for technical corrections to the 1997 capital budget resolutions.

RESOLUTION 97R-137
By Campbell

Amending The 1997 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing (or decreasing) the following appropriations:

	EB OR RB	FUND	AGENCY	ORG	ACCT	AMOUNT
Murphy Square	EB	410	943	9449	8015	\$ (80,000)
PW Fleet Mgmt Study Equip	EB	410	923	9247	8015	(3,500,000)
PW Fleet Mgmt Study Equip	EB	410	927	9275	8015	2,480,000
PW Fleet Mgmt Study Equip	RB	410	923	9242	3910	(3,500,000)
PW Fleet Mgmt Study Equip	RB	410	927	9275	3880	2,480,000
Reimbursable Paving	EB	410	937	9372	8015	500,000
Reimbursable Paving	RB	410	937	9372	3455	500,000
Reimbursable Sewer	EB	410	932	9322	3455	500,000
Reimbursable Sewer	RB	410	932	9322	3755	500,000

Correction of all remaining 9449 Orgs to 9440

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997. J. Cherryhomes, President of Council.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 97R-138
By Campbell

Amending Resolution 96R-365 entitled, “Requesting that the Board of Estimate and Taxation to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$17,500,000 for certain purposes other than the purchase of public utilities”, passed December 12, 1996.

Resolved by The City Council of The City of Minneapolis:
That the above-entitled resolution be amended as follows:
a) By revising GM02 (Public Works Facilities) to \$3,390,000;
b) By revising the Hosmer Library Expansion/Renovation to \$1,025,000; and
c) By deleting HD41 (Mills Ruins Park) (\$500,000 funded with CDBG).
Adopted. Yeas, 11; Nays none.
Absent – McDonald, Dziedzic.
Passed May 23, 1997. J. Cherryhomes, President of Council.
Approved May 29, 1997. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to issue the following Fund Availability Notice (FAN) representing the provision of Department of Justice funds for operation of the Curfew/Truancy Center:

Funds	Agency	Master Contr #	Period	Amount	FAN#
030-860-8605	Mpls Urban League	10001	1/1/97 – 12/31/97	\$28,500	30-1

Adopted. Yeas, 11; Nays none.
Absent – McDonald, Dziedzic.
Passed May 23, 1997.
Approved May 29, 1997. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to enter into a non-financial agreement with the State of Minnesota agreeing to continue implementation of the Minnesota Workforce Center System in Minneapolis.
Adopted. Yeas, 11; Nays none.
Absent – McDonald, Dziedzic.
Passed May 23, 1997.
Approved May 29, 1997. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute Modification #1 to Contract #10038 with Twin Cities RISE! for employment and training services. The purpose of the modification is to declare that fourteen individuals enrolled in the Twin Cities RISE! Program who live outside of the specified Enterprise Community area be determined eligible for the program, with the understanding that future enrollments will be required to live within the Enterprise Community.
Adopted. Yeas, 11; Nays none.
Absent – McDonald, Dziedzic.
Passed May 23, 1997.
Approved May 29, 1997. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration a request from the Neighborhood Services Department for authorization to modify contracts with Community Development Block Grant (CDBG) public service providers in order to target and direct funding to support welfare reform and the Minnesota Family Investment Plan (MFIP), now recommends that the proper City officers be authorized to modify Fund Availability Notices (FAN) and contracts as follows:

Funds	Agency	Purpose	Master Contr #	Period	Amount	FAN#
040-860-8605	Mpls Urban League	Curfew/Truancy	10001	6/01/97-5/31/98	\$125,150	25-1
040-860-8605	PICA/Head Start	Head Start Slots	10020	6/01/97-5/31/98	\$118,411	25-1
040-860-8605	GMDCA	Sliding fee	10017	6/01/97-5/31/98	\$645,612	25-1
040-860-8605	GMDCA	Facility Renovation	10017	6/01/97-5/31/98	\$341,940	25-2

Funds	Agency	Contract #	Extend Time of Performance to	Amt of Incr
040-860-8605	Harriet Tubman Women's Shelter	#8920	5/31/98	\$74,609
040-860-8605	Legal Aid Society	#8886	5/31/98	\$52,756
040-860-8605	Minnesota Age & Opportunity	#8870	5/31/98	\$144,404

Adopted. Yeas, 11; Nays none.
Absent – McDonald, Dziedzic.
Passed May 23, 1997.
Approved May 29, 1997. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee recommends that the proper City officers be authorized to modify the following Fund Availability Notices (FAN) to shift Dislocated Worker Program funds to the high need areas of participant day care and retraining:

Funds	Agency	Contr #	Period	Amt	Increased	FAN#
060-860-8600	MN Dept of Economic Security	10014	7/1/96-6/30/97	\$280,255	+\$5,600	85-1c
030-860-8600	MN Dept of Economic Security	10014	7/1/96-6/30/97	\$125,427	+\$2,400	84-1c
060-860-8600	HIRED	10009	7/1/96-6/30/97	\$ 43,059	+\$7,000	85-1b
030-860-8600	HIRED	10009	7/1/96-6/30/97	\$ 20,024	+\$3,000	84-1a
060-860-8600	HIRED	10009	7/1/96-6/30/97	\$ 10,000	+\$6,000	85-3a
060-860-8600	GMDCA	10017	7/1/96-6/30/97	\$ 30,000	+\$12,000	85-1a

Adopted. Yeas, 11; Nays none.
Absent – McDonald, Dziedzic.
Passed May 23, 1997.
Approved May 29, 1997. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

W&M/Budget – Your Committee, having under consideration the pending approval from the U.S. Department of Housing and Urban Development (HUD) of the City's FY97 Consolidated Plan, now recommends approval of the following actions related to receipt of funds for each of the major programs in the Plan:

a) That the proper City officers be authorized to execute grant agreements with HUD for:

	Current Amt	12/96 Amt
-FY97 CDBG Program	\$17,634,000	\$17,634,000
-FY97 HOME Program	3,158,000	57,000
-FY97 ESG Program	467,000	467,000
-FY97 HOPWA Program	636,000	555,000

b) That the proper City officers be authorized to execute a contract with the Minnesota Housing Finance Agency to assist the City in implementation of the FY1996 and FY1997 Housing Opportunities for Persons With AIDS (HOPWA) Program; and

c) Approval of the following amendments to the City Council approval of the Consolidated Plan passed on December 12, 1996:

-Increasing the HOME allocation to the Minneapolis Community Development Agency (MCDA) by \$1,000, for a new total allocation of \$3,158,000;

-Increasing the HOPWA allocation by \$81,000, for a new total allocation of \$636,000 and award of the funds to the Minnesota Housing Finance Agency.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P – Your Committee, having under consideration the application of Gabriel Jabbour, dba West Photo, for a waiver from Interim Ordinance 96-Or-076, providing for a moratorium on the establishment or expansion of residential, commercial and industrial uses in the East Hennepin Study Area (passed 8/9/96), to allow application for appropriate permits for a 8,800 square foot addition to the existing retail business at 21 University Av NE, now recommends that said waiver be granted.

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, to whom was referred an ordinance amending Title 20, Chapter 522 of the Minneapolis Code of Ordinances relating to **Zoning Code: In General**, regarding home occupation businesses, now recommends that said ordinance be given its second reading for amendment and passage.

Scott moved to amend the report by adding the following paragraph: “Your Committee further

recommends summary publication of the above-referenced ordinance.” Seconded.

Adopted upon a voice vote.

Scott moved to amend Section 522.205 (2) (b) of the ordinance by deleting the language “and not more than one (1) nonresident employee” from the first sentence and to delete the following language: “For the purpose of this subsection, “nonresident employee” shall include an employee, business partner, independent contractor or other person affiliated with the home occupation who is not a resident of the dwelling unit, but who visits the site as part of the home occupation. Not more than one (1) nonresident employee shall be permitted per dwelling unit, regardless of the number of home occupations, except that in the case of two-family dwellings, not more than one (1) nonresident employee shall be permitted per two-family dwelling.” Seconded.

Adopted. Yeas, 7; Nays, 3 as follows:

Yeas – Campbell, Biernat, Niland, Mead, Scott, Rainville, Thurber.

Nays – Minn, Herron, Cherryhomes.

Absent – McDonald, Schulstad, Dziedzic.

Scott moved to amend Section 522.205 (2) (l) of the ordinance by deleting the language “8:00 a.m. and 8:00 p.m.” and inserting in lieu thereof the language “9:00 a.m. and 6:00 p.m.” Seconded.

Adopted upon a voice vote.

Scott moved to amend Section 522.205 (2) (n) of the ordinance by deleting the language “8:00 a.m. and 8:00 p.m.” and inserting in lieu thereof the language “9:00 a.m. and 6:00 p.m.” Seconded.

Adopted upon a voice vote.

Scott moved to amend Section 522.205 (3) (e) by deleting the words “Unlicensed” and “therapy”. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 10; Nays none.

Absent – McDonald, Schulstad, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 97-Or-049 amending Title 20, Chapter 522 of the Minneapolis Code of Ordinances relating to Zoning Code: In General, amending Section 522.40 which defines “home occupation” and adding a new Section 522.205, increasing regulations on home-based occupations, was passed 5/23/97 by the City Council and approved 5/29/97 by the Mayor. A complete copy

of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 97-Or-049

By Scott

Intro & 1st Reading: 4/11/97

Ref to: Z&P

2nd Reading: 5/23/97

Amending Title 20, Chapter 522 of the Minneapolis Code of Ordinances relating to Zoning Code: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following definition in Section 522.40 of the above-entitled ordinance be amended to read as follows:

522.40. Definitions. As used in the zoning code, the following words and phrases shall mean:

Home occupation. ~~Any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign other than a nameplate not more than two (2) square feet in area, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical or electrical equipment is used except such as is normally used for purely domestic or professional purposes. A professional person may use his residence for consultation, treatment, or performance of religious rites. No accessory building shall be used for such home occupation. The sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer is prohibited as a home occupation. An occupation or profession carried on by a member of the household residing on the premises, conducted as a customary, incidental, and accessory use of a dwelling.~~

Section 2. That Chapter 522 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 522.205 to read as follows:

522.205. Home occupations. Home occupations shall be allowed accessory to a dwelling, subject to the following:

(1) Purpose. Home occupation regulations

are established to ensure that home occupations will not adversely affect the character and livability of the surrounding neighborhood and that a home occupation remains accessory and subordinate to the principal residential use of the dwelling. The regulations recognize that many types of home occupations can be conducted with little or no effect on the surrounding neighborhood.

(2) Home occupation standards. Home occupations shall be subject to the following standards, except that licensed family day care and licensed group family day care shall be exempt from the provisions of subsections (2) b., (2) e., (2) k., (2) l., and (2) m.:

a. The home occupation shall be an activity which is customarily associated with the use of a dwelling.

b. Only the residents of the dwelling unit shall be employed by or engaged in the conduct of the home occupation on the premises.

c. Exterior alterations or modifications that change the residential character or appearance of the dwelling, any accessory buildings or the zoning lot shall be prohibited.

d. Interior alterations or modifications that eliminate the kitchen, living room, all of the bathrooms, or all of the bedrooms of the dwelling shall be prohibited.

e. The home occupation shall be conducted only within an enclosed area of the dwelling, except that beginning in the R4 zoning district, in multiple family dwellings of five (5) or more units the home occupation may be allowed within a specific area of the principal building designated for such home occupation by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the planning commission shall consider, but not be limited to, the following factors:

i. Nature of the home occupation and its impacts of noise, light, odor, vibration and traffic.

ii. Conformance with applicable zoning requirements, including but not limited to, yards, gross floor area, and specific development standards.

iii. History of complaints related to the property.

f. Outdoor storage or display of materials, goods, supplies, or equipment related to the conduct of a home occupation shall be prohibited.

g. The required off-street parking area provided for the principal use shall not be reduced or made unusable by the home occupation.

h. Signage shall be restricted to one non-illuminated, flat wall, identification sign not to exceed one (1) square foot in area. On a corner zoning lot, two (2) such signs, one facing each street, shall be allowed.

i. No mechanical, electrical or communication equipment, machinery or materials other than of a type normally found in a dwelling shall be allowed.

j. No retail sale and delivery of products or merchandise to the customer or client shall occur on the premises except where accessory to any services provided (such as hair care products sold accessory to hair cutting, or computer disks accessory to accounting services).

k. No home occupation shall be visible from any public right of way, except for allowed signage.

l. The hours open to the public shall be limited to between 9:00 a.m. and 6:00 p.m.

m. Instruction, consulting, sales, or other service shall be limited to no more than three (3) customers or clients at a time, and five (5) customers or clients per day. Not more than such maximum number of customers or clients shall be permitted per dwelling unit, regardless of the number of home occupations, except that in the case of two-family dwellings, not more than such maximum number of customers or clients shall be permitted per two-family dwelling.

n. Shipment and delivery of products, merchandise or supplies shall be limited to between 9:00 a.m. and 6:00 p.m. and shall occur only in single rear axle straight trucks or smaller vehicles normally used to serve residential neighborhoods.

(3) Prohibited home occupations. Recognizing that there are some uses which have serious objectionable operational characteristics and thereby adversely affect the surrounding neighborhood, the following shall be prohibited as home occupations:

a. Motor vehicle repair, service or painting.

b. Barber shop or beauty salon which is designed to serve more than one (1) client at a time.

c. The sale, lease, trade, or other transfer of firearms or ammunition by a firearms dealer.

d. Regulated uses, as defined in Chapter 540, Business Districts.

e. Massage.

f. Headquarters or dispatch centers where persons come to the site and are dispatched to other locations.

(4) Compliance deadline. Home occupations not in compliance with subsections (2)l., (2)m. or

(2)n. above, shall be permitted as a lawful, nonconforming use in accordance with the provisions of Chapter 531, Nonconforming Uses and Structures, until September 30, 1997, when such nonconforming status shall become unlawful.

Adopted. Yeas, 10; Nays none.

Absent - McDonald, Schulstad, Dziedzic.

Passed May 23, 1997. J. Cherryhomes,
President of Council.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee recommends granting the application of Charles Ford for a special permit, notwithstanding the zoning code, to waive the full basement requirement at 704 – 30th Av N, subject to compliance with all code compliance orders and engineer's recommendations in a timely manner (#1997-054).

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee recommends denying the application of Craig Murphy for a special permit, notwithstanding the zoning code, to waive the full basement requirement at 1415 – 39th Av N, subject to compliance with all code compliance orders and engineer's recommendations (#1997-045).

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee recommends granting the application of Albert Feiler for a special permit, notwithstanding the zoning code, to exceed the height of the garage at 2812 Garfield Av S four to five inches beyond what was authorized by the Zoning Board of Adjustment on 11/20/96 (#1997-053).

Adopted. Yeas, 11; Nays none.

Absent – McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton,
Mayor.

Attest: M. Keefe, City Clerk.

**REPORTS OF
SPECIAL COMMITTEES**

The **COMMITTEE OF THE WHOLE** submitted the following report:

Comm of the Whole - Your Committee rises and reports that it has had under consideration the application of New French Uptown, Inc, dba New French Kitchen, 1300 Lagoon Av, for an upgrade from an On-Sale Wine with Strong Beer License to an On-Sale Liquor Class E License, to expire October 1, 1997, now recommends that said license be granted, subject to final inspection and compliance with provisions of applicable codes and ordinances.

Adopted. Yeas, 11; Nays none.

Absent - McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 23, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 28, 1997).

MOTIONS

Campbell, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of June 1997 be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted. Yeas, 10; Nays none.

Absent - McDonald, Schulstad, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Biernat moved to refer the subject matter of an amendment to Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, providing an enforcement tool to charge occupants if they continue to occupy an unlicensed rental dwelling, to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

Herron moved that the claim submitted by International Straightening Company, performing work on behalf of MnDOT, be approved for payment, in the amount of \$34,500. Seconded.

Adopted. Yeas, 10; Nays none.

Absent - McDonald, Schulstad, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Minn moved to waive the residential block event 14-day filing time requirement for the Lake Harriet United Methodist Church on Sunday, June 1, 1997, from 10 AM to 2 PM on 49th Street between Beard and Chowen Aves. Seconded.

Adopted. Yeas, 10; Nays none.

Absent - McDonald, Schulstad, Dziedzic.

Passed May 23, 1997.

Approved May 29, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Minn moved to refer the subject matter of an interim ordinance relating to Linden Hills off-street parking be referred to the Zoning & Planning Committee for extension of the moratorium. Seconded.

Adopted upon a voice vote.

Biernat moved that in the interest of public safety and the health and welfare of our citizens, and at the request of the Police License Division and the Department of Licenses and Consumer Services, all licenses currently issued for a business known as HAYDEN'S BILLIARDS, 251 3rd Avenue South, Minneapolis, Minnesota, be immediately suspended and that the proper City officers be directed to immediately close this business pending the results of a Revocation Hearing before a sub-committee of the Public Safety & Regulatory Services Committee to be held at the earliest possible date. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - McDonald, Dziedzic.

Passed May 23, 1997.

Approved May 23, 1997. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published May 28, 1997).

UNFINISHED BUSINESS

Raze Building: Auth at 3430 1st Av S.
(Postponed 1/24/97, PS&RS)

Herron moved to continue postponement. Seconded.

Adopted upon a voice vote.

Biernat moved to postpone discharging the Public Safety & Regulatory Services Committee from further consideration of an interim ordinance establishing a moratorium on the establishment of facilities with Class A liquor licenses having adult entertainment on the premises. Seconded.

Adopted upon a voice vote.

NEW BUSINESS

A moment of silence was observed in memory of Pat Daugherty, a former Minneapolis City Council Member, who passed away Tuesday, May 20, 1997.

Mead introduced members of the 7th and 8th grade class of Windom Open School who are studying government by visiting the Council today.

Campbell moved to adjourn. Seconded.

Adopted. Yeas, 10; Nays none.

Absent – McDonald, Schulstad, Dziedzic.

Adjourned.

MERRYKEEFE,
City Clerk.
97-5285